

**United States District Court****for the****Eastern District of Washington****Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Jamie David Spain

Case Number: 2:13CR00153-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle, Senior U.S. District Court Judge

Date of Original Sentence: May 30, 2012

Original Offense: Theft of Government Property, 18 U.S.C. § 641; Theft of Personal Property, 18 U.S.C. § 661; Malicious Mischief, 18 U.S.C. § 1363

Original Sentence: Prison 24 months  
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: U.S. Attorney's Office

Date Supervision Commenced: June 26, 2013

Defense Attorney: Federal Defender's Office

Date Supervision Expires: June 25, 2016

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**PETITIONING THE COURT****To issue a summons.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number      Nature of Noncompliance

1

**Mandatory Condition # 4:** The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

**Supporting Evidence:** Mr. Spain provided a urine sample for testing at Adept on October 9, 2013. The sample tested presumptive positive for Tetrahydrocannabinol (THC). At that time, Mr. Spain admitted to the treatment provider that he had consumed marijuana a couple of days prior. On October 10, 2013, Mr. Spain met with the undersigned officer and admitted to this marijuana use.

On December 23, 2013, Mr. Spain reported to Adept and provided a urine sample for testing. The sample tested positive for THC. Mr. Spain denied drug use and signed a denial report. The sample was sent to the lab for further analysis.

On January 3, 2014, a lab report was received from Alere, showing that the urine sample Mr. Spain submitted on December 23, 2013, was positive for marijuana metabolites.

Prob12C

**Re: Spain, Jamie David**

**January 7, 2014**

**Page 2**

- 2            **Standard Condition # 3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

**Supporting Evidence:** Mr. Spain reported to the U.S. Probation Office on December 31, 2013, due to his failure to report for drug testing on December 30, 2013. Mr. Spain further reiterated that he would disclose to the undersigned officer if he had consumed marijuana, and denied that the sample submitted on December 23, 2013 would come back positive for controlled substances. On January 3, 2014, a lab report was received from Alere, showing that the urine sample Mr. Spain submitted on December 23, 2013, was positive for marijuana metabolites.

Mr. Spain provided a urine sample for testing on December 31, 2013, and the sample was positive for THC. Mr. Spain denied use and the sample was sent to the lab for further testing. Results of this test have not yet been received.

- 3            **Special Condition # 18:** You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.

**Supporting Evidence:** Mr. Spain was participating in intensive outpatient treatment, to include moral reconnection therapy, after an assessment recommended this level of care. Mr. Spain has missed numerous treatment sessions, and has continued drug use, during the course of treatment (specifically in October and December of 2013).

The undersigned officer spoke with the treatment provider on January 6, 2013. Effective immediately, Mr. Spain is being unsuccessfully discharged from treatment due to his continued drug use. The treatment provider will staff this case to determine if a higher level of care is necessary.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the offender to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:    January 7, 2014

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s/Cassie Lerch

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Cassie Lerch  
U.S. Probation Officer

Prob12C

**Re: Spain, Jamie David**

**January 7, 2014**

**Page 3**

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other

s/ Fred Van Sickle

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Signature of Judicial Officer

1/8/14

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Date